

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Art Unit: To be assigned  
ROSENBERG et al. : Examiner: To be assigned  
International Application No.: PCT/EP03/14331 : Attorney Docket: M/43212-US-1  
International Filing Date: 16/12/2003 :  
U.S. Application No.: 10/539,505 :  
For: **FORMULATION COMPRISING  
FENOFIBRIC ACID, A PHYSIOLOGICALLY  
ACCEPTABLE SALT OR DERIVATIVE  
THEREOF**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This subject Information Disclosure Statement is submitted in connection with applicant's continuing duty of disclosure under 37 C.F.R. §1.56.

**LISTING OF RELEVANT DOCUMENTS**

The relevant documents are listed in the attached Form PTO/SB/08A.

**REMARKS**

FR 494112 is not available in English, but an English language abstract is attached thereto and said reference is cited in the International Search Report. WO 97/15290 and WO 97/15291 are not available in English, but each contains an English language abstract and said references are discussed at page 17, lines 15-20, of the present specification. EPO 793958 B1 is not available in

Serial No.: 10/539,505

ROSENBERG et al.

M/43212-US-1

English, but an English language abstract is attached thereto and said reference is discussed at page 1, lines 24-30, of the present specification.

Since this Information Disclosure Statement is submitted prior to the issuance of a first office action on the merits, a fee under 37 C.F.R. §1.17(p) is not required (37 C.F.R. §1.97(b)).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14-1437. Please credit any excess fees to such deposit account.

Respectfully submitted,  
NOVAK DRUCE DELUCA & QUIGG, LLP



S. Peter Konzel  
Reg. No. 53,152

Dated: January 9, 2006

1300 Eye Street, N.W.  
400 East Tower  
Washington, DC 20005  
(202) 659-0100

Encl.: Form PTO/SB/08A

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Substitute for form 1449/PTO

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 2

Application Number	10/539,505
Filing Date	
First Named Inventor	Jorg ROSENBERG
Art Unit	to be assigned
Examiner Name	to be assigned

Attorney Docket Number M/43212-US-1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,274,727 B1	08/14/2001	Maul et al.	
		US- 6,187,342 B1	02/13/2001	Zeidler et al.	
		US- 6,074,670	06/13/2000	Stamm et al.	
		US- 6,051,253	04/18/2000	Zettler et al.	
		US- 6,042,847	03/28/2000	Kerc et al.	
		US- 6,009,690	01/04/2000	Rosenberg et al.	
		US- 5,897,910	04/27/1999	Rosenberg et al.	
		US- 5,073,379	12/17/1991	Klimesch et al.	
		US- 5,009,701	04/23/1991	Plath et al.	
		US- 4,961,890	10/09/1990	Boyer	
		US- 4,957,681	09/18/1990	Klimesch et al.	
		US- 4,895,726	01/23/1990	Curte et al.	
		US- 4,880,585	11/14/1989	Klimesch et al.	
		US- 4,801,460	01/31/1989	Goertz et al.	
		US- 4,800,079	01/24/1989	Boyer	
		US- US2001/0006662	07/05/2001	Krill et al.	
		US- US2004/0137055	07/15/2004	Criere et al.	
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		FR 2 494112	05/21/1982	Laruelle		✓
		EP 0173293 A2	03/05/1986	Withington		
		WO 00/72825 A1	12/07/2000	Law et al.		
		WO 02/11699 A1	02/14/2002	Teng et al.		
		WO 02/067901 A1	09/06/2002	Guivarc'h et al.		
		WO 97/15290	05/01/1997	Breitenbach et al.		

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
		EP 0580860 B2	12/15/2004	Nakamichi et al.	
		WO 97/15291	05/01/1997	Breitenbach et al.	
		EP 0 435450 B1	10/12/1994	Duross	
		EP 0 793 958 B1	09/10/1997	Keil et al.	

Examiner Signature		Date Considered	
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